

SEC. 3. *And be it enacted*, That no judgment in any case shall be reversed in the court of appeals, because the verdict was rendered and the judgment entered in the court below for a greater sum than the amount of damages laid in the declaration; but the plaintiff below, or his legal representative in the court of appeals, shall be permitted, on motion in that court, in every such case to amend the transcript of the record of proceedings, by entering a release upon the record, of the damages exceeding those laid in the declaration, and the court of appeals shall proceed upon such amended transcript, in the same manner, and give the same judgment in the case as if the said release had been entered upon the record before judgment in the court below.

Relative to the reversal of judgment in court of appeals.

See November, 1809, ch. 153.

SEC. 4. *And be it enacted*, That in all cases where the court of appeals shall have permitted or directed any entry to be made, or act to be done on the trial of any appeal, or during its pendency, in virtue of any act of assembly of this state, which may require an alteration of the judgment given by the court from which such appeal was or shall be made, or which, if made in such inferior court, would have authorized or required a different judgment to have been given, the court of appeals may direct such judgment to be entered on deciding such appeal, as the nature of the entry or amendment may require, or the court from which the appeal has been or shall be made would have rendered, if such entry or amendment had been made before the rendition of the judgment in such inferior court.

Court of appeals may, in certain cases direct such judgments to be entered on deciding appeals from inferior courts as the nature of the case may require.

See November, 1809, ch. 153.

SEC. 5. *And be it enacted*, That all judgments by default hereafter to be entered, shall carry interest in the same manner that judgments entered upon a finding of a jury now do; *Provided always*, that nothing contained in this act, except so far as the same relates to judgments by default and appeals, shall extend or be construed to extend to any case now brought or depending in any of the courts of this state.

Judgments by default shall carry interest. Proviso.

CHAPTER 171.

A SUPPLEMENT to the ACT,* entitled, an Act for regulating Writs of Error *1713, ch. 4. and granting Appeals from and to the courts of Common Law within this province.

Repealed by 1826, ch. 200.